



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. COMMISSION ON STATE MANDATES

DIVISION 2. FINANCIAL OPERATIONS

CHAPTER 2.5. COMMISSION ON STATE MANDATES

NOTICE OF PROPOSED RULEMAKING

The Commission on State Mandates proposes to amend the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The Commission has not scheduled a public hearing on this proposed action. However, the Commission will hold a hearing if it receives a written request for a public hearing from any interested person or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on Wednesday, September 25, 2002**. The Commission will consider only comments received at the Commission's office by that time. Submit comments to:

Shirley Opie, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-8211
Facsimile: (916) 445-0278

AUTHORITY AND REFERENCE

Government Code sections 17500, 17527, and 17553 authorize the Commission to adopt, amend, and rescind regulations to implement, interpret, and make specific Government Code sections 17525, 17527(c), 17553, and Welfare and Institutions Code section 17000.6.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission proposes to amend sections 1181.1, 1183, 1183.01, 1185, 1185.01, 1185.02, 1185.1, 1185.2; adopt section 1186; and repeal section 1188.5 of California Code of Regulations, Title 2, Division 2, Chapter 2.5. The Commission is required by the Government Code to adopt specific provisions for receiving and processing test claims, incorrect reduction claims and other types of filings for hearing.

The purpose of the proposed action is to interpret, implement, and make specific technical amendments to the process for receiving and processing test claims, incorrect reduction claims and other types of filings as required by Assembly Bill (AB) 1679, the Local Government Omnibus Act of 1999 (Stats. 1999, ch. 643). Government Code section 17553, as modified by AB 1679, requires the Commission, among other things, to adopt provisions for accepting more than one test claim on the same statute or executive order.

In addition, Government Code section 17553 requires the Commission to determine if an incorrect reduction claim that is filed with the Commission is complete within 10 days of receipt. It also provides that the Office of the State Controller has no more than 90 days to comment on an incorrect reduction claim.

The Commission is also required to review claiming instructions issued by the Office of State Controller. AB 1679 requires the Commission to direct the Office of State Controller to modify the claiming instructions if the Commission determines that the claiming instructions do not conform to the parameters and guidelines.

The Commission is proposing amendments to existing regulations to conform to these Government Code provisions for receiving and processing claims for hearing. Other non-substantive, conforming changes are proposed for clarity and consistency purposes.

1. Amend Section 1181.1.

The section defines key terms used in the regulations. The proposed amendments clarify terms used in the current regulations and also define key terms that are contained in the proposed amendments described below.

2. Amend Section 1183.

Amendments are proposed for accepting more than one test claim on the same statute or executive order as required by Government Code section 17553 (b)(1), including requiring the executive director to accept more than one test claim on the same statute or executive order under specified circumstances, adding provisions for consolidating the test claims within 90 days of the date that the first claim is filed, and designating a single claimant when multiple test

claims are filed. Absent notice by the claimants, the executive director would designate the first filing claimant as the lead claimant.

Section 1183.01.

In the event multiple test claims are received on the same statute or executive order, the proposed amendment would toll the time (up to 90 days) from when the first test claim is filed until the consolidation occurs for purposes of calculating when a statewide cost estimate must be adopted by the Commission.

4. Amend Section 1185.

Amendments are proposed to specify the filing requirements for incorrect reduction claims. The requirement for Commission staff to review incorrect reduction claims filed with the Commission for completeness is added to comply with Government Code section 17553 (d).

Section 1185.01.

The proposed amendments specify that the Office of the State Controller has 90 days to review incorrect reduction claims as required by Government Code section 17553 (d).

Section 1185.02.

This subsection is renumbered and procedures for preparing incorrect reduction claims for hearing, including distributing the staff analyses for review by the parties prior to the Commission hearing the claims, are added.

Section 1185.1.

This section is amended to clarify that, in the event the Commission determines that the Office of the State Controller incorrectly reduced a reimbursement claim, the Commission will request the Controller to reinstate the amount that was incorrectly reduced.

Section 1185.2.

Provisions related to reviewing the Office of the State Controller's claiming instructions are deleted and moved to section 1186.

5. Adopt Section 1186.

Provisions related to reviewing the Office of the State Controller's claiming instructions are moved to this section from section 1185.2. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the proposed amendments to this section specify that the Commission will, pursuant to Government Code section 17571, direct the State Controller to modify the instructions.

6. Repeal Section 1188.5.

Because Government Code section 17559, which was used as the authority for the regulation, was changed by AB 1679, and now provides a statutory basis for reconsideration and amendment of prior decisions, this section is proposed for repeal. This regulation is inconsistent with the framework for amending a prior final decision described by the current language of Government Code section 17559.

**DISCLOSURES REGARDING THE
PROPOSED ACTIONS**

The Commission has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or business: None.

Adoption of these regulations will not:

- 1) create or eliminate jobs within California
- 2) create new businesses or eliminate existing businesses within California; or
- 3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

SMALL BUSINESS IMPACT

The Commission has no jurisdiction over small business. Therefore, the proposed regulatory action will have no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

In order to take these actions, the Commission must determine that no reasonable alternative it considered or that has otherwise been brought to its attention would be more effective in carrying out the purpose for which each action is proposed or will be as effective and less burdensome to affected private persons or small business than the proposed actions.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed actions or requests for copies of the proposed text, the initial statement of reasons, the modified text, if any, or other technical information upon which the rulemaking is based may be directed to:

Shirley Opie
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-8211
Facsimile: (916) 445-0278

OR

Nancy Patton
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-8217
Facsimile: (916) 445-0278

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, an underscored and strike-out version of the proposed text of each regulation, the initial statement of reasons and the Commission's order to initiate rulemaking. A copy may be obtained by contacting Shirley Opie at the address or telephone number indicated above. All persons on the Commission on State Mandates interested persons mailing list will automatically be sent a copy of this notice, initial statement of reasons, and the text of the proposed regulations.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Shirley Opie at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date they are made available. If modifications are made, the modified text, with changes clearly indicated, will be available to the public, for at least 15 days before the Commission adopts the regulations.

All persons submitting written comments on the proposed regulations, testifying at the public hearing if one is requested, or on the Commission on State Mandates interested persons mailing list, will automatically be sent a copy of any modifications to the proposed regulations.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Shirley Opie at the address indicated above.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at www.csm.ca.gov.

**TITLE 5. COMMISSION ON
TEACHER CREDENTIALING**

**DIVISION VIII OF TITLE 5 OF THE
CALIFORNIA CODE OF REGULATIONS**

**PROPOSED AMENDMENTS TO SECTIONS
80054.5 OF TITLE 5, CALIFORNIA CODE OF
REGULATIONS, CONCERNING THE
ADMINISTRATIVE SERVICES CREDENTIAL
AUTHORIZATION AND SERVICES
A TEACHER MAY PROVIDE**

The California Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

October 3, 2002
10 a.m.
California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Terri H. Fesperman at 916-323-5777 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the commissioners and interested members of the public. All

written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on October 2, 2002. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Sections 44065, 44069, 44270.2, 48900, and 44834 of the Education Code and govern the procedures of the Commission for the Administrative Services Credential and Section 44225(d) for Services A Teacher May Provide.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Sections 44065 list the authorization for the Administrative Services Credential.

80054.5(a)—*authorization for the school site administrator holding an Administrative Services Credential*—the authority to establish requirements for credentials appears in subsection (d) of § 44225. EC § 44065(a) gives the Commission the authority to designate in regulations which of the subsections of EC § 44065(a) consist of rendering service in directing, coordinating, supervising or administrating. Based on this authority, the proposed change to subsection (a) focuses on the specific duties administrators provide at the site level while holding the Administrative Services Credential including

- (a)(1) *evaluating quality and effectiveness of instructional services* as found in EC § 44065(a)(12) (the interpretation and evaluation of the school instructional program),

- (a)(2) *evaluation of certificated staff* as found in EC § 44065(a)(1)(work of instructors and the instructional program for pupils); school site administrators may be evaluated by individuals at the district or county level office, and
- (a)(3) *student and employee discipline* as found in EC § 44065(a)(8)(activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils) pursuant to Charter 6 of Part 27 of Division 4 of Title 2 of the Education Code commencing with Section 48900

80054.5(b)—revised to list the *duties an individual holding an Administrative Services Credential serving at the school site, district or county level may provide if the credential is required by the employer.*

80054.5(c) and (d)—changed only with the *lettering of the subsections.*

The existing Title 5 Regulations for the authorization of the Administrative Services Credential may be used for assignments at the school site, district or county level. Education Code Section 44065 lists thirteen areas of responsibility and allows the Commission to determine which credentials authorize the service for these areas of responsibility, administrative or non-administrative. Some of the duties listed in the section such as evaluating the work of instructors and the instructional program for pupils are clearly administrative while others such as the in-service training of teachers, principals, or other certificated staff is not exclusively an administrative duty.

Education Code Section 44860 states when a principal is required to hold an administrative credential at a school site. Additional sections of the Education Code require some individuals in district and county level positions to hold an Administrative Services Credential. The proposed changes to the Section 80054.5 focus on the need for an administrative credential for administrators providing site-based instructional leadership and school management at a school site. Allowing other certificated personnel to provide some of the services currently listed in Section 80054 would enable site administrators to focus on the role of instructional leadership and would provide more flexibility in staffing positions at the district or county level office.

80020.4.1 (a) through (e)—removes the specific title of program coordinator and replaces it with wording to describe the types of duties (develop, direct, implement, or coordinate programs) an individual may provide at the school site.

Amending Title 5 § 80020.4.1 will clarify the types of services an individual holding a teaching credential based on a bachelor's degree and teacher preparation program including student teaching may provide in the

area of program coordination at a school site. The proposed changes will clarify for the districts and counties the types of duties an individual may provide while holding a teaching credential in addition to serving in a classroom.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private persons or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code § 11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small businesses. The regulations are not mandatory but an option that effects school districts and county offices of education.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private

persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Rhonda Stearns at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ct.ca.gov or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ct.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

DIVISION VIII OF TITLE 5 CALIFORNIA CODE OF REGULATIONS

PROPOSED AMENDMENT OF SECTIONS 80043 PERTAINING TO THE EMINENCE CREDENTIAL APPLICATION APPEAL AND DENIAL PROCESS

NOTICE OF PROPOSED RULEMAKING

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed actions.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

October 3, 2002

10:00 am

California Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Nancy Cajucom Troyer at (916) 445-6816 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will be given full consideration regardless of the number of copies submitted.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on October 2, 2002. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the California Commission on Teacher Credentialing, attention Nancy Cajucom Troyer, 1900 Capitol Avenue, Sacramento, CA 95814-4213; or submit an e-mail at ncajucom@ctc.ca.gov.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to adopt the proposed action, which will implement, interpret or make specific Section 44262.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Education Code 44225 provides that the Commission may promulgate rules and regulations. Education Code Section 44262 provides that the Commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor taught or service practiced in the public schools of California.

Section 80043.(c)(2)(A)—The amendment adds language to require additional, relevant supporting information be submitted by a school district when requesting reconsideration of a staff denial.

Section 80043.(c)(2)(B)—The amendment adds language allowing staff to forward previously denied eminence applications to the Commission that now appear to meet the Commissions definition of eminence.

Section 880043.(c)(2)(C)—The amendment adds language that provides a Commission consent calendar process for final denial of a school districts eminence application.

Under the current process, an employing school district may appeal staff's denial of an eminence credential solely upon request and not based on the merits of the denial. The proposed language required that school districts requesting reconsideration of a staff denial of an eminence application present new evidentiary material relevant to the reason(s) for denial that was not available at the time the application was initially submitted to the Commission. If upon evaluation of this additional material, staff found no new evidence to support the applicant's eminence, staff would place the district eminence applications on a Commission consent calendar with a recommendation for final denial.

Documents Incorporated by Reference

None

Documents Relied Upon in Preparing Regulations

None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code § 11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Nancy Cajucom Troyer by telephone at (916) 445-68126 or in writing at California Commission On Teacher Credentialing, 1900 Capitol Ave., Sacramento, CA 95814. General question inquiries may also be directed to Rhonda Stearns at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web-site at <<http://www.ctc.ca.gov>>. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION(S)

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Nancy Cajucom Troyer at (916) 445-6816.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

DATE: August 7, 2002
REGULATION FILE: RH02019392

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 3 of the California Code of Regulations the new Article 12.3, consisting of new Sections 2542, 2542.1, 2542.2, 2542.3, 2542.4, 2542.5, 2542.6, 2542.7 and 2542.8. The regulations will codify rules that are already in force regarding valuation of life insurance policies for purposes of determining minimum aggregate reserves.

PUBLIC HEARING

No public hearing has been scheduled in connection with this proposed action. A public hearing will be held, however, if no later than fifteen (15) days before the last day of the public comment period one of the

contact persons identified below receives from an interested person or his or her duly authorized representative a written request for a public hearing. The sole purpose of such a hearing would be to address the merits of the proposed regulations.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 10489.94, with reference also to Insurance Code sections 790.03, 10489.15, 10489.2, 10489.4, 10489.5, 10489.7 and 10489.9. Insurance Code section 10489.94 provides the authority for this rulemaking.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on September 24, 2002. Please direct all written comments to the following contact person:

George Teekell, Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4390

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Ahmad Kamil, Senior Life Actuary
California Department of Insurance
300 South Spring Street, South Tower
Los Angeles, CA 90013
Telephone: (213) 346-6147

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on September 24, 2002. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: teekellg@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of George Teekell and sent to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other**

facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Chapter 5, Subchapter 4.5, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

Summary of Existing Law and Policy Statement Overview

Existing law requires the Commissioner to determine that a life insurer's reserves are adequate to cover its projected claims and other obligations. This process necessarily involves a determination that the funds will be available in the future when claims are made. As a result, it is necessary, among other things, to have an actuarially based understanding of the expected mortality of the population of insureds. As the health and life expectancy of the population changes, it is necessary to update the tables which reflect the most current, accurate mortality information. Found at Insurance Code, Division 2, Part 2, Chapter 5, Article 3A, the Standard Valuation Law specifies minimum standards for maintaining reserves. The proposed regulations will implement Section 10489.94 of the Insurance Code, which was added to the Standard Valuation Law in Statutes of 1999, Chapter 868, Section 3 (Senate Bill 374, Lewis).

Insurance Code section 10489.94, which the proposed regulations implement, was intended to clarify the law in order to rectify problems with insurers reserving inadequately for certain life insurance products. Previously, some insurers had found a loophole in existing law with regard to reserving requirements for policies with nonlevel premiums and for universal life policies with no-lapse guarantees. Substantially lower reserves were being established for these types of policies, which may contain

guarantees with respect to death benefits and premiums for 10, 20 or some other number of years, than those required by the Standard Valuation Law for traditional term policies offering the same guarantees. In other words, certain “term-like” policies were not subject to the same reserving requirements as exist for similar term policies, placing the holders of these “term-like” policies at risk. As this type of premium design and reserve pattern was not contemplated by the Standard Valuation Law, the Legislature enacted Insurance Code section 10489.94 in order to clarify the intent of the law.

Insurance Code section 10489.94 authorizes the Commissioner to issue a bulletin setting forth (1) rules concerning valuation of plans with secondary guarantees and plans with nonlevel premiums or benefits and (2) tables of select mortality factors and rules for their use. The statute provides that this bulletin is to have the same force and effect, and is to be enforceable to the same degree, as formally promulgated regulations. The statute further provides that it is the Legislature’s intent that the bulletin, and the regulations which are required to supersede it, contain the provisions of the National Association of Insurance Commissioners (NAIC) Valuation of Life Insurance Model Regulation Number 830 as adopted in March of 1999. Accordingly, on July 1, 2000 the Commissioner issued Department of Insurance Bulletin Number 2000-2, which for the most part is substantially identical to the indicated model regulation. The predominant policy goal of the model regulation, the bulletin and the proposed regulation is the same: Reserves need to be established that are commensurate with the guarantees made in a policy; plans which in effect mask those guarantees or seek to take advantage of a perceived loophole should be subject to the same reserving requirements as more conventional plans with comparable guarantees.

Effect of Proposed Action

The proposed regulations, in turn, are in large part substantially identical to Bulletin 2000-2 which, again, is to a great extent substantially identical to Valuation of Life Insurance Model Regulation Number 830, as adopted by the National Association of Insurance Commissioners as of March of 1999. However, certain potential ambiguities in the language of the model regulation which were allowed to remain in Bulletin 2000-2, and the occasional language clarity problem introduced in the bulletin, have been eliminated in the proposed regulation text. Other differences from Bulletin 2000-2 include a statement in the current regulations of the Department’s longstanding limitation, not explicitly reiterated in Bulletin 2000-2, on the use of sex-blended, “unisex” mortality tables to valuation of only those life insurance policies that are

issued pursuant to certain employment arrangements. Nonetheless, because the rules embodied in the proposed regulations are otherwise largely the same as those announced in the bulletin, the proposed action will have little or no substantial effect on what has been the status quo since July of 2000, when the bulletin was issued. Even so, for purposes of this document, the effect of the proposed regulations will be discussed in terms of the impact their provisions would have had at the time Bulletin 2000-2 was issued.

Existing law requires that for each policy they issue insurers establish adequate reserves. Generally speaking, reserves must be equal to the excess, if any, of the present value of benefits payable under a policy over the present value of any future premiums. Actuarial reserves are required to be recognized on statutory valuations filed by insurers as a liability representing amounts an insurer is obligated to pay. Prior to the effectiveness of the rules embodied in the proposed regulations, lower reserves were considered by some insurers to be permissible for policies with a premium structure characterized by sharply elevated guaranteed premiums at a very late stage in the life of the policy than were required for otherwise identical policies with a flatter pattern of guaranteed premiums. Some insurers had designed policies to take advantage of a perceived loophole in the law by incorporating sharply elevated premiums at very late stages of the policy. These designs were intended simply to reduce the reserves required, as there was no serious expectation that policyholders would actually pay those higher premiums. One example of these policy designs is where an initial level premium rate is guaranteed for 30 years followed by guaranteed premiums in years 31 and later that are more than 50 times the initial guaranteed premium. The proposed regulations attempt to eliminate this loophole by requiring that reserves be calculated for each level-premium segment individually, as well as for aggregate reserves over the entire policy duration.

The proposed regulations require that reserves be calculated on a segmented basis. In the example above, reserves for the first 30 years of the policy (the first segment) would be required to be calculated separately from the reserves for years 31 and later. Under the former, strictly unitary method the reserves required to be established during the first 30 years of a policy with this design could be substantially lower than those required for a traditional 30-year term policy with identical gross premium and benefit guarantees. The reserves required to be established during the first 30 years of the example policy were disproportionately low, because the calculation of required reserves was skewed by the impact of the very high guaranteed premiums in the thirty-first and

subsequent years. This result was incongruous, because two policies that, in terms of the benefits they guaranteed, were identical for the first 30 years would be subject to very different reserving requirements during that time, even though the benefits to be reserved against were the same. The proposed regulations have the effect of eliminating this incongruity, by unambiguously requiring that, in this example, reserves for the first 30 years be considered separately from the reserves for subsequent years, thus ensuring that similar policies are subject to similar reserving requirements, during the period of such similarity.

Another effect of the proposed regulations is that for certain policies with "shadow accounts," reserves must be adjusted to compensate for the fact that a lower level of premiums than the guaranteed gross premiums could actually be paid in order to keep the policies in effect. Specifically, this provision addresses universal life policies where actual premiums paid up to the valuation date are considered for purposes of calculating the accumulation of premiums in shadow accounts that is necessary to keep the policy in force. A shadow account works as follows: The basic policy account value is equal to premiums paid plus interest credited less mortality and expense charges. The cash surrender value is equal to the account value less a surrender charge. Ordinarily, if the account or cash value falls to zero, then the policy will expire. This is not necessarily the case, however, with a policy that has a shadow account. A shadow account is an alternate fund attached to the same policy. In the calculation of the balance in the shadow account the guaranteed interest credits are typically higher and the mortality and expense charges are typically lower than those used to determine the basic account value. The policy guarantees that the policy will not expire as long as the shadow account value is positive, even if the basic policy account value is zero or negative.

When a policy is designed in such a way that the calculation of the shadow account balance takes into account premiums that have been paid to date, the result is that in the future a lesser amount of premiums than the premiums specified in the policy will actually need to be paid in order to keep the policy in force. The proposed regulations require that for these policies the reserve calculations reflect the actual premiums paid to date, because these premiums reduce the premiums that must be paid in the future. By mandating that the calculation of reserves take into account the reduced level of premiums that actually need to be paid in order to maintain such policies in force, the rules embodied in the proposed regulations have the effect of causing premiums and/or deficiency reserves for these policies to be adjusted upward to satisfy statutory reserving requirements. The effect of

the proposed regulations is to disallow the assumption that more future premiums will be received than are actually required in order to satisfy the secondary guarantee requirement.

Another effect of the proposed regulations is that they give actuaries broader discretion to adjust mortality factors based on insurers' emerging experience with their own population of insureds and the various classes within those populations. This discretion is introduced in the form of variables known as "X factors." Since some business, due to underwriting, is expected to have much better mortality experience than is assumed in the statutory mortality table, the proposed regulations allow for actuarial judgment in adjusting the mortality rates for the purpose of calculating deficiency reserves. This judgment is exercised by means of X factors, which actuaries can use to adjust mortality valuation rates to reflect expected experience.

Basic reserves are equal to the excess of the present value of future benefits, based on a statutory mortality table, over the present value of future net premiums. Net premiums are a constant percentage of gross premiums that is calculated according to statutory formulae. Gross premiums are the premiums actually specified in a policy which are sufficient to keep the policy in force. If net premiums are higher than gross premiums, then deficiency reserves are required. The introduction of X factors in the proposed regulations affects the method by which these deficiency reserves may be calculated. The proposed regulations retain as the minimum mortality standard for valuation of life policies the 1980 CSO Mortality Tables, as defined in the proposed regulations. As in the past, insurers have the choice of using the mortality factors as presented in these tables or as modified using what are known as select factors.

Select factors are used to recognize the impact of underwriting. For example, a 45 year old who buys a policy and satisfies the underwriting criteria is expected to have, on average, a lower mortality than a 45 year old who purchased a policy 10 years ago. Some of the 45 year olds who purchased policies 10 years ago may have had a deterioration in health, but all the 45 year olds who just purchased policies have satisfied the underwriting requirements, such as those for good health. Select factors are applied formulaically to the values in the 1980 CSO Tables to reflect these differences in expected mortality that correspond to the amount of time that has elapsed since a policy was purchased.

The proposed regulations have the effect of increasing the range of available choices of select factors to be used in the calculation of deficiency reserves. Formerly, if an insurer elected to use select factors, the only available choice was the Ten-year

Select Factors, as defined in the proposed regulations. Under the proposed regulations, if select factors are elected, insurers have the additional choice of using the new select factors incorporated into the proposed regulation. Further, if the new select factors are used, the proposed regulations allow insurers the option of using them as is or as modified by X factors. Use of X factors essentially means that an insurer can modify the factors presented in the new tables of select factors by using X percent of each such factor rather than the factor itself. The permissible values of X for purposes of these calculations are determined in compliance with six X factor tests set out in the proposed regulations. The X-factors will reflect the anticipated mortality experience of the insurer, taking into consideration its emerging experience, and will be annually certified by the appointed actuary. The insurer will comply with the six X-factor tests in the proposed regulation, and the appointed actuary will annually opine as to the insurer's compliance, for each class independently and for all classes in the aggregate.

The use of X factors for deficiency reserves effectively means use of different mortality standards for different companies and different classes within a company. It grants the appointed actuary broader discretion than do more purely formulaic reserve calculation methods.

Documents Incorporated by Reference

The following documents have been incorporated by reference into the proposed regulations:

- The Commissioners' 1980 Standard Ordinary Mortality Table (1981 *Transactions of the Society of Actuaries*, Volume 33, pp. 618, 673) incorporated into the 1980 amendments to the NAIC Standard Valuation Law;
- The 1980 CSO Female Smoker and Non-smoker Mortality Rates, and the 1980 CSO Male Smoker and Non-smoker Mortality Rates, tables adopted by the NAIC in December 1983 (1984 *Proceedings of the National Association of Insurance Commissioners*, I, pp. 406–407, 410–411);
- The Blended 1980 CSO Tables B through F, adopted by the NAIC in December 1983 (1984 *Proceedings of the National Association of Insurance Commissioners*, I, pp. 396–400); and
- The select factors (1981 *Transactions of the Society of Actuaries*, Volume 33, p. 669) adopted with the 1980 amendments to the NAIC Standard Valuation Law.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for

which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers and, indirectly, independent agents and brokers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

**EFFECT ON JOBS AND BUSINESSES
IN CALIFORNIA**

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of new businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on this issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments may indirectly affect small businesses to the extent independent agents and brokers (as opposed to those who are insurance company employees) qualify as small businesses. It is conceivable that if, as a result of the changes the proposed action makes in the way insurers are required to value the applicable life insurance products, insurers offer these policies at higher premiums, then independent agents and brokers may be able to sell fewer of these policies, to the extent consumers find the product less attractive on account of higher premiums.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

**TEXT OF REGULATIONS AND INITIAL
STATEMENT OF REASONS**

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find near the top of the page the major heading 'Protecting Consumers.' In this section, scroll down until you see the subheading 'BE INFORMED.' Click on the nearby 'Proposed Regulations—Search' link. When the 'Search or Browse for Documents for Proposed Regulations' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH02019392" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "10489.94"), or search by keyword ("valuation," for example, or "mortality"). Then, click on the 'Submit' button to display links to the various filing documents.

To browse, click on the 'Browse All Regulations' button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the 'Valuation of Life Policies, including Select Mortality Tables' link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to add Section 82.00, Uniform Insurance Card, in Chapter 1, Division 1, Article 2.3 of Title 13, California Code of Regulations, governing the department's Financial Responsibility requirements.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on September 23, 2002, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 4000.37 and Vehicle Code section 1651 in order to implement, interpret or make specific Vehicle Code section 4000.37.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 4000.37 provides that the department shall require that the applicant submit either a form approved by the department, but issued by the insurer . . . as evidence that the applicant is in compliance with the financial responsibility laws of this state. To conform to this requirement, the department is proposing to adopt the Uniform Insurance Card form specifications for submission of hard copy insurance forms in Title 13, Article 2.33, Section 82.00, California Code of Regulations. Exemptions from these regulations are outlined in Vehicle Code section 4000.37.

This proposal would add Section 82.00 to specify the size, type, and content for a Uniform Insurance Card.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: Insurers who do not choose to file proof of insurance for their clients electronically will bear an expense from this regulation. The department, however, has taken efforts to minimize the costs while creating a uniformly standard form that can be produced by insurers.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have significant statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department provides specifications for a uniform insurance card required under Vehicle Code Section 4000.37. Insurance companies have an option of using this form or filing proof of insurance information with the department electronically.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses since insurance companies are not defined as small businesses under Section 11342.610 of the Government Code.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Term) may be accessed at www.dmv.ca.gov, Other Services, Legal Affairs Division, Public Comments web page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 8591 and 8842 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 8590, 8591, 8595, 8842, 9001 and 9015 of said Code, proposes to amend Section 180.15, Title 14, California Code of Regulations, re: coonstripe shrimp fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, to participate in the commercial coonstripe shrimp fishery one must have a commercial fishing license, a commercial vessel registration, a coonstripe shrimp vessel permit, and if trapping, a general trap permit. A coonstripe shrimp trap fisherman must also abide by all regulations regarding trap size, destruct devices, marking and service interval. Trawl fishermen are required to abide by the general gear specifications and limitations for shrimp trawling.

The Fish and Game Commission is proposing the establishment of a statewide open season for the take of coonstripe shrimp from May 1 through October 31. The rest of the year the fishery would be closed to protect the shrimp during the breeding and egg bearing season. Additionally, the Commission is proposing to allow only trap gear for the take of coonstripe shrimp. The proposed regulation includes language specifying when traps can be set and baited at the start of the season, and when traps must be out of the water at the end of the season.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, California, on Friday, October 25, 2002, at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 18, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 25, 2002, at the hearing in Crescent City. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant

Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding phone number. Kristine Barsky, Marine Region, Department of Fish and Game, (805) 985-3114 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Each coonstripe shrimp trapper or buyer is considered a business. Establishing a season and gear type will not change the size, composition or activity of the existing fishery participants. No catch would be made in April, but buyers frequently do not purchase the product, or pay reduced prices for it in that month. Trawl nets would be eliminated as a method of take in the fishery, but currently there are no trawl fishermen regularly participating in the fishery.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State agencies or Costs/ Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 22. DEPARTMENT OF CHILD SUPPORT SERVICES

R-22-02-E

BONDING OF EMPLOYEES

PROPOSED PERMANENT REGULATIONS

NOTICE IS HEREBY GIVEN that the Department of Child Support Services (DCSS) has adopted these regulations on an emergency basis effective July 22, 2002; and now proposes to adopt them as permanent regulations amending Division 13 of Title 22 of the California Code of Regulations commencing with Section 111550. These regulations require the bonding of employees handling child support funds.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 17306(b), Family Code (FC), requires the Director of the Department to develop uniform forms, policies and procedures to be employed statewide by all local child support agencies. This statute also

provides the authority to adopt the regulations on an emergency basis. These emergency regulations are necessary to implement Section 17306, FC.

In accordance with Section 17306(d), FC, the Department consulted with the California Family Support Council, the California State Association of Counties, labor organizations, custodial and noncustodial parent advocates, child support commissioners, family law facilitators, and committees of the Legislature in developing the policies that are reflected in these emergency regulations.

These emergency regulations interpret, implement, and make specific 45 Code of Federal Regulations (CFR), Section 302.19, and 42 United States Code (USC), Section 654, by implementing the requirements and criteria for bonding of employees who receive, disburse, handle, or otherwise have access to any child support collections under the child support enforcement program required by Title IV-D of the Social Security Act.

These emergency regulations duplicate in part some federal law and regulations. The Department has identified where that duplication occurs and believes duplication is necessary to enhance clarity, to make state and federal child support program requirements more accessible to affected persons, and to eliminate the need for affected persons to have multiple codes or titles to understand the Department's regulations.

CHAPTER 1. PROGRAM ADMINISTRATION

SUBCHAPTER 1. OPERATIONS

Article 7. Staff Requirements

This article has been adopted and entitled "Staff Requirements" to designate the article within Chapter 1 that contains staffing requirements applicable to this Chapter.

Section 111550. Bonding of Employees.

This section has been adopted to specify the requirements for bonding of employees. This is necessary to comply with 45 CFR, Section 302.19, which specifies the requirements and criteria to bond employees of IV-D Agencies as well as employees of public or private agencies contracting with the local child support agency with access to IV-D funds or who engage in cash handling or accounting functions. 42 USC, Section 654 further provides that failure to have such bonding requirements in place could result in a determination that our state plan is out of compliance with federal law resulting in the imposition of substantial penalties. This section is consistent with prior bonding requirements to which the local child support agencies were subject, as set forth in model Plan of Cooperation contained in Appendix I of

Division 12 of the Department of Social Services' Manual of Policies and Procedures, which was repealed with Plans of Cooperation emergency rule-making OAL File Number Z-02-0424-01-E.

AUTHORITY

Sections 17306, 17310 and 17312, of the Family Code.

REFERENCE

42 United States Code, Section 654(14)(A); and 45 Code of Federal Regulations, Section 302.19.

PUBLIC COMMENT PERIOD

Written public comments presenting statements, arguments, or contentions relating to the text of the proposed regulations will be accepted for a period of forty-five (45) days beginning on August 9, 2002 and ending at 5 p.m. on September 23, 2002. Public comments will be accepted by any of the following means:

1. Mailed to:
Dept. of Child Support Services
Attn: Regulations Coordinator
P.O. Box 419064
Rancho Cordova, CA 95741-9064
2. Faxed to:
Dept of Child Support Services
Attn: Regulations Coordinator
(916) 464-5069
3. E-mailed to the Regulations Coordinator:
Lucila.Ledesma@dcss.ca.gov

PUBLIC HEARING

No public hearing is scheduled. Pursuant to the provisions of Government Code Section 11346.8, any interested party may request that a public hearing be scheduled. The request must be in writing and received at the above addresses for the DCSS Regulations Coordinator no later than fifteen (15) days prior to the close of the public comment period.

CONTACTS

Copies of documents and general information regarding this rulemaking may be secured by contacting Lucila Ledesma the Regulations Coordinator at 916-464-5087.

In case you are unable to reach the Regulations Coordinator, the DCSS alternative contact person for general information about this rulemaking is Donna Hershkowitz at 916-464-5181.

If you have a substantive question regarding the content of this rulemaking, you may contact Tonya Crawford-Comage, Supervisor of the Financial Management Policy Section at 916-464-5055.

HOW TO GET COPIES OF RULEMAKING DOCUMENTS

Copies of the full text of the proposed regulations, an initial statement of reasons, and all information on which this rulemaking is based may be secured from the DCSS Regulations Coordinator at the above addresses. Some of these documents are also available on the Department's public website at www.childsup.cahwnet.gov/.

The full text of a regulation changed pursuant to Government Code Section 11346.8 will be available for at least fifteen (15) days prior to the date on which DCSS adopts the resulting regulation. During that period, it may also be secured from the DCSS Regulations Coordinator at the above addresses.

Once the final statement of reasons becomes available it may also be secured from the contact persons identified above.

IMPACT ON INDIVIDUALS AND BUSINESSES

The Department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. These regulations impact the cooperation between the Department and local child support agencies and between local child support agencies and other county administrative departments or businesses that contract with local child support agencies to perform cash handling or accounting functions involving child support funds and collections.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would not generally affect small businesses. Most small businesses would not be required to comply with or enforce these regulations nor are they expected to incur either benefits or detriments from them. Only small businesses that contracted with local child support agencies to perform cash handling or accounting functions involving child support funds and collections would be required to comply.

These regulations do not impose a new requirement, but rather re-state an existing requirement found in state regulation (Appendix 1 of Division 12 of the Department of Social Services' Manual of Policies and Procedures) and federal regulation (45 CFR 302.19). The Department is unaware of any local child support agency currently contracting with any business that would be affected by this regulation. If a local child support agency were to contract with a business to handle child support funds and collections, the impact of the requirement to be bonded is expected to be minimal. It is expected that, due to the magnitude of funds being handled, such a business would as a normal business risk management practice likely already be bonded to protect itself from loss or liability due to employee dishonesty. The Department therefore assumes these regulations will have no potential fiscal impact on business.

LOCAL MANDATE

The Department has determined that the regulations would not impose a mandate on local agencies or school districts.

FISCAL IMPACTS

- A. Fiscal Effect on Local Government: None.
- B. Cost or Savings to Any State Agency: None.
- C. Cost or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Imposed on Local Agencies: None.

IMPACT ON HOUSING COSTS

The Department has determined that these regulations will have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which these regulations are being implemented or would be as effective and less burdensome to affected private persons than these regulations.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ITEM #1 CHILD WELFARE SERVICES PROVISIONS OF AB 1695 ORD #0402-10

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally

or in writing relevant to the proposed regulations at a public hearing to be held September 25, 2002, as follows:

September 25, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on September 25, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of
Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586

TELEFAX: (916) 654-3286

E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP) Division 31 (Child Welfare Services), Chapter 31-000 (General Requirements), Sections 31-001 (General), 31-002 (Definitions), and 31-075 (Case Records); Chapter 31-400 (Placement), Sections 31-401 (General Requirements for Placement), 31-405 (Social Worker Responsibilities for Placement), 31-410 (Temporary Placement), 31-420 (Foster Care Placement), 31-440 (Foster Parent(s) Notification Requirements) and 31-445 (Requirements for Approval of Relative and Nonrelative Extended Family Member Foster Family Homes)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 1695 (Chapter 653, Statutes of 2001) modifies existing statutes in various substantive and technical ways. The new statutes made the following changes:

- Includes as exempt from the California Community Care Facilities Act, the approved homes of relatives and nonrelative extended family members.
- Revises the requirements for licensure of foster family homes.
- Authorizes the Department of Justice to provide subsequent arrest notification to public agencies for the approval of relative caregivers and nonrelative extended family members.
- Clarifies that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative extended family member for the placement of a child shall be the same standards as set forth in regulations for licensing foster family homes.
- Clarifies safety requirements regarding placement in a relative's home in specified instances.
- Clarifies the list of homes into which a dependent child or a ward of the juvenile court may be placed to specifically include the approved home of a relative or the home of a nonrelative extended family member.

In addition to the regulatory changes implementing provisions of AB 1695, the proposed emergency regulations make editorial and nonsubstantive changes (i.e., reformatting, renumbering, and grammatical corrections). Regulatory and handbook material is being adopted to reflect current statutory requirements.

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$492,000 in the current State Fiscal Year. It is anticipated that State

agencies will request an increase in the currently authorized budget level for the 2001–02 fiscal year.

2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$321,000 in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Health and Safety Code Sections 1505, 1521.5, 1521.6, 1525.5; Penal Code Section 11105.2; Welfare and Institutions Code Sections 309, 319, 361.2, 361.3, 361.4, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, and 16518; and Public Law 105-89 (Adoption and Safe Families Act of 1977).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Robin Garvey
(916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Denise Cooper
(916) 323-9381

Backup: Harriet Hopgood
(916) 323-9750

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

Agenda Item(s) for this Public Hearing—
September 25, 2002

- ITEM #1 ORD #0402-10 Child Welfare Services Provisions of AB 1695
- ITEM #2 ORD #0602-13 Electronic Benefit Transfer (EBT) Benefit Adjustments

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

- ITEM #2 ELECTRONIC BENEFIT TRANSFER (EBT) BENEFIT ADJUSTMENTS
ORD #0602-13

CDSS hereby gives notice of the proposed regulatory actions described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 25, 2002, as follows:

September 25, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 25, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of
Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586

TELEFAX: (916) 654-3286

E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures, Division 16 (Electronic Benefit Transfer System), Chapter 16-700 (Adjustments), Section 16-705 (Benefit Adjustments for EBT System Errors)

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Welfare and Institutions Code Sections 18900 through 18919 authorize California to participate in the federal Food Stamp Program that is administered at the national level by the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS). CDSS oversees the program that is administered at the local level by the county welfare departments. The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (Public Law 104-193) mandates states to implement an EBT system for food stamp benefit issuance no later than October 1, 2002 (California Approved Waiver Request #2010191 and FNS approval letter dated October 12, 2001). Federal regulation 7 CFR 274.12 provides implementation requirements for an EBT issuance system for food stamp benefits as an alternative to issuing food stamp coupons. State legislation, Assembly Bill 1542 (Chapter 270, Statutes of 1997), establishes the authority for a statewide EBT system to issue food stamp benefits and, at county option, the issuance of cash benefits. An on-line EBT system is an issuance system in which benefits are stored in a central computer database and electronically accessed by cardholders at a point-of-sale (POS) terminal, automated teller machine (ATM), and other electronic fund transfer device utilizing a reusable plastic card. EBT is an extension of debit card access to benefit funds from POS terminals (or ATMs) via electronic fund transfer networks. EBT is a proven technology and is operating in a majority of states.

Current state regulations do not provide the authority for EBT benefit adjustments. These regulations implement requirements in the Welfare and Institutions Code applicable to EBT benefit adjustments.

COST ESTIMATE

1. Costs or Savings to State Agencies: Insignificant costs in the current year that will be absorbed within existing budgets and resources.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: Insignificant costs in the current year that will be absorbed within existing budgets and resources.
4. Federal Funding to State Agencies: Insignificant costs in the current year that will be absorbed within existing budgets and resources.

LOCAL MANDATE STATEMENT

These regulations implement issuance of Food Stamp and cash benefits via the EBT system. The regulations implementing issuance of cash benefits via the EBT system do not impose a mandate on local agencies or school districts because this is a county option as set forth in Welfare and Institutions Code Section 10069. There are no state-mandated local costs in this order that require reimbursement under the laws of California.

The regulations implementing issuance of Food Stamp benefits via the EBT system do impose a mandate upon local agencies, but not on school districts. There are no "state-mandated local costs" in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by Federal Food Stamp regulations at 7 CFR 274.12.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The Federal regulations and State legislation mandate the use of an EBT system for the issuance of food stamp benefits. FNS authorized food retailers are not required to participate in the EBT system. POS terminals will be provided to authorized retailers with food stamp redemption of at least \$100 per month that do not have, or do not intend to use, their own POS terminal. Those retailers with less than \$100 per month in food stamp redemption may obtain the equipment to participate in EBT at their own expense. Those choosing not to acquire their own equipment will be able to participate in EBT using manual vouchers or other alternative approved by the State. Because food stamp coupons will no longer be used, businesses that issued the coupons for the county welfare offices will no longer have that activity.

The State legislation includes a county option to issue cash benefits through the EBT system. Retailers are not required to participate in the EBT system. In counties that choose the cash option, check cashers who provided cash for CalWORKs warrants may have

a decrease in business. Also, ATMs may have an increase in business dispensing cash to EBT cash benefit recipients.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10077, 10553, 10554, 18904, and 18904.1. Subject regulations implement and make specific Welfare and Institutions Code Section 10072(i); 7 CFR 274.12(g)(4)(ii); and California Approved Waiver Request #2010167 for 7 CFR 274.12(f)(4)(ii)(B) [subsequently renumbered to 7 CFR 274.12(g)(4)(ii)(B)].

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Maureen Miyamura
(916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Stan Cagle
(916) 654-1529

Backup: Nancy Yee
(916) 654-1065

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments con-

cerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

Agenda Item(s) for this Public Hearing—
September 25, 2002

ITEM #1 ORD #0402-10 Child Welfare Services
Provisions of AB 1695

ITEM #2 ORD #0602-13 Electronic Benefit Transfer (EBT) Benefit Adjustments

GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PROPOSED SETTLEMENT 10900 EDES AVENUE SITE

In accordance with Health and Safety Code sections 25300 et seq. (the Hazardous Substances Account Act), 58009 and 58010, the Department of Toxic Substances Control (DTSC) has the authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective purchasers of environmentally impacted properties, if such agreements are sufficiently in the public interest.

Notice is hereby given that DTSC proposes to enter into a Prospective Purchaser Agreement (PPA) associated with the 10900 Edes Avenue Site in Oakland, Alameda County, California. The PPA would resolve certain claims of DTSC against the prospective purchaser. The prospective purchaser, East Bay Habitat, has acquired the property located at 10900 Edes Avenue in Oakland, Alameda County, California (Assessor's Parcel Number 045-5263-003). The purchaser commits to investigate and remediate the existing contamination at the Site in return for DTSC's covenant not to sue. The agreement is in the public interest because it provides for the following:

- a. the cleanup hazardous waste from former operations as a nursery and auto wrecking yard;
- b. the elimination of a seriously blighted property in a residential area;
- c. the construction of approximately 24 new affordable housing units as single-family homes;
- d. the training and settlement of low-income first-time homebuyers; and
- e. an increase of the local property tax base from \$89,496 to at least \$4,600,000 based on 23 homes sold at a minimum sale price of \$200,000.

DTSC is holding a 30-day comment period on this Agreement. Written comments on this proposed settlement must be submitted on or before 5:00 p.m., September 9, 2002. To insure timely receipt by DTSC and East Bay Habitat For Humanity, you are requested to transmit your comments by facsimile or by overnight mail to the following simultaneously.

Ms. Janet Naito
California Environmental Protection Agency
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710
Phone: (510) 540-3833
Facsimile: (510) 540-3819

Mr. Jim Bergdoll
Project Manager
East Bay Habitat For Humanity
2619 Broadway
Oakland, California 94612
Phone: (510) 251-6312
Facsimile: (510) 251-6309

If you have any questions regarding the Prospective Purchaser Agreement, or wish a copy, please call the DTSC contact identified above.

DEPARTMENT OF FISH AND GAME

CESA CONSISTENCY DETERMINATION FOR Blythe Energy Project Riverside County

The Department of Fish and Game ("Department") received notice on July 29, 2002 that the Department of Energy, Western Area Power Authority, proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project, as originally submitted and approved, consisted of the construction and operation of a natural gas-fired combined-cycle power plant on approximately 76 acres of privately owned land 3 miles west of the city of Blythe. The first amendment request concerned inclusion of an additional 10 acre parcel that was not in the original project description, and the current request proposes to add an additional 66 acres of impact that will result from an expansion of the project facilities.

The U.S. Fish and Wildlife Service, on January 31, 2001, issued to the Department of Energy, a no jeopardy federal biological opinion (1-6-01-F-1166.2) which considers the Federally and State threatened Desert Tortoise (*Gopherus agassizii*) and authorizes incidental take. On August 1, 2001, the Service issued an amendment to the original Biological Opinion (1-6-01-F-1166.3) in response to a request from the Department of Energy to include a previously non-

covered 10 acre parcel. The current Biological Opinion (FWS-ERIV-1166.4) discusses the expansion proposal.

Pursuant to California Fish and Game Code Section 2080.1, the Department of Energy is requesting a determination on whether the Federal Biological Opinion FWS-ERIV-1166.4 is consistent with CESA.

If the Department determines that the federal biological opinion is consistent with CESA, the Department of Energy will not be required to obtain an incidental take permit under CESA for the proposed project.

DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION

Fish and Game Code Section 2080.1

Tracking Number 2080-2002-016-03

PROJECT: Mallory Ridge Vegetation Management Plan

LOCATION: Contra Costa County

NOTIFIER: Contra Costa Water District

BACKGROUND

Contra Costa Water District ("CCWD") proposes to conduct a series of prescribed burns along Mallory Ridge over the next four years, generally between November 1 and March 15, to create a defensible fire break to prevent fire from escaping the Los Vaqueros Reservoir property. CCWD also hopes to improve Alameda whipsnake (*Masticophis lateralis euryxanthus*) habitat and mimic natural fire regimes. The burn area on Mallory Ridge is between 1800 and 2000 feet elevation. The research site has an east and northeast aspect, 0 to 25% slope, and is dominated by dense chaparral. It is within the Mount Diablo-Black Hills Critical Habitat/Recovery unit for the Alameda whipsnake.

This action could temporarily impact Alameda whipsnake through direct mortality from fire, fire control, fuel reduction equipment, and other related activities. Indirect effects include temporary disruption and loss of habitat and might include the release of contaminants, increase in competition from other species, reduction in Alameda whipsnake recruitment, and decreases in prey availability. Alameda whipsnake is listed as a threatened species under the California Endangered Species Act, Fish and Game Code section 2050 et seq. ("CESA") and the Federal Endangered Species Act.

On April 30, 2002, the U.S. Fish and Wildlife Service issued an intra-Service Biological Opinion No. 1-1-02-F-0064 describing the project actions and setting forth measures to minimize the direct and indirect adverse impacts to the Alameda whipsnake and its habitat.

On June 20, 2002, the Director of the Department of Fish and Game ("Department") received a notice from CCWD, seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the biological opinion was consistent with CESA.

DETERMINATION

Based on the terms and conditions in Biological Opinion No. 1-1-02-F-0064, the Department finds that the project is consistent with CESA because the project meets the conditions set forth in Fish and Game Code section 2081(a), which allows the Department to authorize take of species protected under CESA through permits or memoranda of understanding when the take is for scientific, educational, or management purposes. In addition, several measures from the federal Biological Opinion avoid or minimize expected or potential impacts to the Alameda whipsnake. These measures include, but are not limited to, the following:

- CCWD will implement the fuel reduction project per the Service-approved research protocol and as described in the Biological Opinion;
- Burns will take place between November 1 and March 15. CCWD will burn 37.7 acres in burn year 1, 16.8 acres in burn year 2, and 12.25 acres in burn year 3. Each burn should reduce the amount of decadent brush by 90 percent and consume 75 to 85 percent of all vegetation;
- CCWD hand crews will avoid rock outcroppings or other potential retreat areas and will construct fire lines around them;
- Service-approved biologists shall be present at each burn site to conduct a fire crew education program and visual surveys after burns are completed to locate and identify any dead or injured whipsnakes;
- And, the use of fire-retardant and suppressant chemicals shall be restricted to emergencies.

Additionally, the Department agrees with the Service's conclusion that the implementation of the proposed action will likely have beneficial effects on the Alameda whipsnake and its habitat by reducing the potential of a catastrophic firestorm and promoting and restoring native grassland and open chaparral habitats that Alameda whipsnake and their prey prefer.

REPORTING

CCWD shall provide copies of all reports to the Central Coast Regional Office, P.O. Box 47, Yountville, CA 94599 ("Department representative") as follows:

- The Consultant shall provide to the Department's representative an annual written report of activities and results, and a cumulative final report within 60 days after the end of the research activities. Each

annual report shall cover the period since the previous report was issued and provide the following information for each study site: a) township, range, and quarter section; b) name of U. S. Geological Survey (USGS) quadrangle; c) Universal Transverse Mercator coordinates; d) dates of field work and the name of each worker for each date; e) a description of the vegetative-community type(s); f) numbers of live Alameda whipsnakes detected; i) a description of the number and causes of observed mortalities of any Alameda whipsnakes; and j) the name of the repository of each salvable dead specimen. The Consultant shall send the report by surface mail.

- As a part of each annual or final report, the Consultant shall provide to the Department's representative the following items, when available, containing information on the effects of CCWD's prescribed burning and other fuels management on Alameda whipsnake: a) a copy of any periodic, annual, or final report that the Consultant prepared or assisted in preparing for the Service's, another third party's, or its own use; b) a reprint of any published article or paper; and c) a copy of the abstract of any oral presentation containing information on the effects of prescribed burning and other fuels management on Alameda whipsnake that was obtained under authority of this determination. If a person not employed by or associated with the Consultant prepares such a report, article, paper, or abstract on these authorized studies, the Consultant shall make a reasonable attempt to have a copy sent to the Department's representative.
- As a part of each annual or final report, the Consultant shall send to the Department's representative the original version of a California Native Species Field Survey Form that provides information on each site where the Consultant detected or observed an Alameda whipsnake during that reporting period. Each form shall have an accompanying 8½ × 11-inch, USGS-scale map of the site and shall, at a minimum, provide the following information: a) township, range, and quarter section; b) name of the 7.5' or 15' quadrangle; c) dates (day, month, year) of field work; d) number of individuals that the Consultant observed; and e) a description of the habitat by vegetative-community type. The Consultant may submit completed forms any time but shall submit them by the due date of the appropriate annual or final report.

CONCLUSION

Pursuant to section 2080.1 of the Fish and Game Code, incidental take authorization under CESA will not be required for the Alameda whipsnake. Any substantive changes to the project as described in the

Biological Opinion will require the applicant to obtain a new Consistency Determination or a CESA incidental take permit from the Department.

DEPARTMENT OF HEALTH SERVICES

Notice is hereby given that the Drug Use Review (DUR) Board will conduct a public meeting in the Penthouse Suite, 714 P Street, Sacramento, CA beginning at 10 a.m. on Monday, September 23, 2002

Agenda

1. DUR Drug Information/Alert Incidence Updates
2. DUR Program Enhancements—Early Refill Alert expansion.
3. DUR Projects Overview and Update
4. DUR Education Articles
5. Reassessment of Target Drug List
6. Operational Issues

Speaker Request Forms will be available at the meeting or may be obtained by contacting Electronic Data Systems Corporation, 3215 Prospect Park Drive, Rancho Cordova, CA 95670. Attention: DUR Pharmacist Jude Simon-Leack, Pharm.D., and MSW.

DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
300 Capitol Mall, 17th Floor
Sacramento, California 95814

RH01018834

AMENDED NOTICE OF PROPOSED REGULATION AND NOTICE OF PUBLIC HEARING REGARDING THE WEIGHTING METHODOLOGY FOR PRIVATE PASSENGER AUTOMOBILE INSURANCE RATING FACTORS

Notice is hereby given that date and location of the public hearing, previously scheduled for 10:00 a.m. on September 5, 2002, at 45 Fremont Street, 22nd Floor Hearing Room, San Francisco, CA., has been changed. All other provisions of the July 2, 2002 Notice of Proposed Regulation and Notice of Public Hearing, including but not limited to, the deadlines to for the submission of written comments and the agency contact persons remain unchanged.

NEW HEARING DATE AND LOCATION

The public hearing will be held to permit all interested persons the opportunity to present state-

ments or argument, orally or in writing, with respect to the proposed regulations at the date, time, and place set forth below:

Date and Time: September 6, 2002
10:00 a.m.

Location: San Francisco Civic Center
Complex
Conference Center
Auditorium
455 Golden Gate Avenue
San Francisco, CA 94102

ACCESS TO HEARING ROOM

The public hearing room is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for the hearing in order to make special arrangements if necessary.

DEPARTMENT OF SOCIAL SERVICES

NOTICE TO INTERESTED PARTIES

The California Department of Social Services (CDSS) is required by federal law to submit an updated State Plan for the Temporary Assistance to Needy Families (TANF) program by October 1, 2002. Notice is hereby given that a copy of California's proposed updated plan is available upon request for public review and comment.

Copies of the proposed State Plan are available from the office listed below and on the internet at http://www.dss.cahwnet.gov/ord/PublicHear_242.htm. Comments relating to the proposed plan may be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received no later than 5:00 p.m. on September 23, 2002.

CONTACT

Anthony J. Velasquez or Maureen Miyamura
CDSS/Office of Regulations Development
744 "P" Street, MS 7-192
Sacramento, CA 95814
(916) 657-2586
facsimile: (916) 654-3286
e-mail: ord@dss.ca.gov

Questions regarding the updated TANF State Plan can be directed to Linda Lattimore at (916) 653-5830.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR AN
EMERGENCY RESPONSE INCIDENT
HAZARDOUS WASTE TRANSPORTATION
VARIANCE ISSUED BY THE STATEWIDE
COMPLIANCE DIVISION, TRANSPORTATION
SECTION, FOR THE COUNTY OF SAN DIEGO

On July 8, 2002, the Department of Toxic Substances Control (DTSC) granted a transportation regulatory exemption variance to the County of San Diego, a registered transporter of hazardous waste, to conduct emergency response incident transporter operations authorized by the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport hazardous wastes generated from emergency incident operations to the grantee's central collection facility, using a shipping paper that contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The wastes must subsequently be transported, using a hazardous waste manifest, to an authorized hazardous waste disposal or recycling facility.

California Environmental Quality Act (CEQA)

Exemption. The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to California Code of Regulations, title 22, chapter 13, article 4, section 66263.40 et seq., (Regulatory Exemptions for Certain Transportation Operations), that allows for four specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The grantee has several central collection facilities. The variance expires on June 30, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR A
POLYCHLORINATED BIPHENYL (PCB)
HAZARDOUS WASTE TRANSPORTATION
VARIANCE ISSUED BY THE
STATEWIDE COMPLIANCE DIVISION,
TRANSPORTATION SECTION, FOR
SIERRA PACIFIC POWER COMPANY

On July 10, 2002, the Department of Toxic Substances Control (DTSC) granted a transportation regulatory exemption variance to Sierra Pacific Power Company, a registered transporter of hazardous waste,

to conduct PCB waste transporter operations authorized by the California Code of Regulations, title 22, section 66263.44. The variance permits the grantee to transport PCB waste to the grantee's central collection facility, using a shipping paper that contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The wastes must subsequently be transported, using a hazardous waste manifest, to an authorized hazardous waste disposal or recycling facility.

California Environmental Quality Act (CEQA) Exemption. The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to California Code of Regulations, title 22, chapter 13, article 4, section 66263.40 et seq., (Regulatory Exemptions for Certain Transportation Operations), that allows for four specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The grantee's central collection facility is located at 7 Ohm Place, Reno, Nevada 89502. The variance expires on July 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR A
POLYCHLORINATED BIPHENYL (PCB) AND
CONSOLIDATION HAZARDOUS WASTE
TRANSPORTATION VARIANCE ISSUED BY
THE STATEWIDE COMPLIANCE DIVISION,
TRANSPORTATION SECTION, FOR
SOUTHERN CALIFORNIA EDISON

On July 9, 2002, the Department of Toxic Substances Control (DTSC) granted a transportation regulatory exemption variance to Southern California Edison, a registered transporter of hazardous waste, to conduct PCB and consolidation waste transporter operations authorized by the California Code of Regulations, title 22, sections 66263.44 and 66263.44, respectively. The variance permits the grantee to transport PCB waste, paint waste, and solvent contaminated waste to the grantee's central collection facility, using a shipping paper that contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The wastes must subsequently be transported, using a hazardous waste manifest, to an authorized hazardous waste disposal or recycling facility.

California Environmental Quality Act (CEQA) Exemption. The project qualifies for a CEQA exemption under Public Resources Code Section

21080(b)(1), Ministerial Projects. This variance is issued pursuant to California Code of Regulations, title 22, chapter 13, article 4, section 66263.40 et seq., (Regulatory Exemptions for Certain Transportation Operations), that allows for four specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The grantee has several central collection facilities. The variance expires on July 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

FISH AND GAME COMMISSION
NOTICE OF PROPOSED CHANGES
IN REGULATIONS

(Continuation of California Notice Register
Z02-0702-15, No 28-Z,
and Meeting of June 20, 2002.)

(NOTE: See Updated Informative Digest changes shown in **bold face type**.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by 1050, 5510, 8389, 8550, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 7850, 7850.5, 8043, 8053, 8389, 8550, 8552, 8552.6, 8553, 8554, 8555, 8556, 8557 and 8559 of said Code, proposes to amend sections 163, 163.5 and 164, Title 14, California Code of Regulations, relating to the herring fishery.

UPDATED INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Informative Digest from the Initial Statement of Reasons contained an error in the proposed opening day and date of the Tomales Bay herring fishery. This Updated Informative Digest has been amended to correct the opening day and date to match the proposed regulation text. No other changes to the text or regulations were made.

Modifications to the original text are identified herein with strike-through of original text and underline of new text.

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; quotas; and landing and monitoring requirements.

The proposed regulatory changes will establish fishing quotas by area for the 2002–03 herring fishing season, based on the most recent assessments of the spawning populations of herring in San Francisco and Tomales bays. The proposed fishing quota in San Francisco Bay is 3,540 tons (10 percent of the 35,400-ton estimated spawning biomass for the 2001–02 season). An initial 300-ton fishing quota (4.1 percent of the 2001–02 estimated spawning biomass of 7,243 tons) is proposed for Tomales Bay with provisions to increase the quota in season if escapement goals are achieved by February 15, 2003. This season, the recommendation for in-season increases is as follows:

- If the spawning escapement is more than 3,000 tons, increase the quota to 400 tons.
- If the spawning escapement is more than 4,000 tons, increase the quota to 500 tons.

The proposed amendment specifies that the length of the meshes of any gill net used or possessed in the roe fishery in Tomales Bay, for the 2002–03 season only, shall be no less than 2 inches or greater than 2½ inches. The proposed one-year continuation of the regulation, originally approved for the 2000–01 and 2001–02 seasons only, will allow the Department to continue to evaluate the effect of reduced mesh length on the size and age composition of herring caught in 2 inch mesh gill nets.

Other changes relating to the Department of Fish and Game (Department) herring season dates, permit suspensions, and minor editorial changes are recommended to improve the clarity of the regulations or provide for the efficient harvest and orderly conduct of the fishery and for the protection of the resource. The following is a summary of those proposed changes in sections 163 and 163.5, Title 14, CCR.

- Set the dates of the roe herring fisheries in San Francisco Bay from 5:00 p.m. on Sunday, December 1, 2002 to noon on Friday, December 20, 2002 (“DH” gill net platoon only), and from 5:00 p.m. on Sunday, January 5, 2003 to noon on Friday, March 14, 2003.
- Set the dates of the roe herring fishery in Tomales Bay from 5:00 p.m. on ~~Thursday, December 27, 2002~~ Sunday, December 29, 2002 until noon on Tuesday, December 31, 2002, and from noon on Sunday, January 5, 2003 to noon on Friday, March 7, 2003.
- Correct existing latitude/longitude coordinates for position references, and add latitude/longitude coordinates to existing position references that do not provide associated coordinates.
- Clarify that the violation points assigned for failure of a permittee to be aboard the vessel during herring

fishing operations also apply to a permittee’s Department-authorized temporary substitute.

- Revise the individual quota provisions for permittee’s participating in a mesh size study in San Francisco Bay to 0.5 percent of the sac roe quota for each platoon to which a permittee is assigned.
- Increase the maximum number of permittee’s that may participate in a mesh size study in San Francisco Bay from three to six.
- Transfer 10 tons of quota from the underutilized herring fresh fish fishery to the gill net fishery for use in a gill net mesh size study, for the 2002–03 season only.
- Make minor editorial revisions.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Elihu Harris State Building, 1st Floor Auditorium, 1515 Clay Street, Oakland, California on Saturday, August 30, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 23, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 30, 2002, at the hearing in Oakland, CA. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Jon D. Snellstrom at the preceding address or phone number. Eric Larson, Herring Fishery Program, Department of Fish and Game, phone (650) 631-7730, 255 Harbor Blvd., Belmont, CA 94002, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested

may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

163 & 163.5

The proposed changes regarding seasons, quota allocations, mesh size study individual quota provisions, coordinates for permit areas and fishing boundaries, and minor editorial changes are not expected to have a significant statewide adverse economic impact on businesses.

The average quota over the history of the San Francisco Bay roe herring fishery (30 seasons) is 6,104 tons. The average quota over the most recent five years has been lower than this (5 season average is 4,924 tons). The proposed quota (3,540 tons) is 42 percent less than the long term average, and thus, in comparison to the long-term average, the proposed decrease in the fishing quota for San Francisco Bay will have a negative impact on some individual fishermen in the short-term. However, the proposed quota reflects appropriate quota levels relative to current population trends. Relative to the reduced quota in 2001–02, the proposed quota for San Francisco Bay represents a decrease in quota which will have a significant but unquantifiable negative short-term impact on some individual fishermen. Despite quota allotments, there is no guarantee that the quota will be caught. In the 1997–98 season, for example, only 20 percent of the quota was caught. The entire quota was caught in the 1998–99 and 2000–01 seasons, but in the 1999–00 season, only 62 percent of the quota was caught. The proposed gill net quota for San Francisco Bay represents a 14 percent decrease from last year's quota (4,476 tons), and a 6 percent increase relative to last year's catch (3,287 tons). The proposed decrease in the San Francisco Bay quota (compared to the 2001–02 season quota) will have a significant, but unquantifiable, negative short-term impact on herring buyers, and possibly to some small businesses that provide goods and services to the

fishing fleet and buyers. Losses in revenue will depend on the ex-vessel price for the season and the quantity and quality of an individual's landings. The decreased revenues for the ten permittees who transfer their quota to the herring eggs on kelp fishery are significant but unquantifiable (compared to the 2001–02 season quota). Any negative impacts relative to the long-term average quota are balanced in the long-run by years when resource abundance and fishing quotas are high.

The proposed action for the Tomales Bay herring fishery will not have a significant statewide adverse economic impact affecting business, which includes the ability of California businesses to compete with businesses in other states. The proposed initial quota of 300 tons is not expected to have a significant negative impact on individual fishermen or herring buyers. In recent years, the initial quota has been based on 10 percent of the previous seasons spawning biomass. The proposed initial catch quota of 300 tons is conservatively based upon 4.1 percent of the estimated spawning biomass from the 2001–02 season. The initial quota is set at just 4.1 percent of the spawning biomass this year, as opposed to 10 percent, because high exploitation rates have sometimes occurred after high biomass seasons. The Department believes that a pro-active and conservative initial quota for the 2002–03 season may prevent a possible over-exploitation of the Tomales Bay herring population. The goal is to help ensure a stable spawning population for the future.

When compared with the commercial catch over the past ten years, only twice (1995–96 and 2001–02 seasons) has the Tomales Bay catch exceeded 300 tons. The commercial catch for the 2001–02 season was 354 tons, which exceeded the season's initial quota of 300 tons, but was only 71 percent of the in-season increased quota of 500 tons. The lower initial quota based on 4.1 percent is unlikely to have an adverse economic impact. The proposed regulations contain provisions for increasing the quota in-season if spawning escapement goals are achieved. The provision for in-season quota increases is a valuable fisheries management tool that provides flexibility to managing the fishery based on the size of the current spawning population. The provision supports the conservation of the resource and realizes the possible economic benefit of allowing a higher catch, if the resource is abundant enough to withstand the fishing pressure. The proposed action will have an unquantifiable impact on some small businesses that provide goods and services to the fleet. In the long-term, these impacts are balanced by the positive economic returns that accrue in those years when resource abundance and fishing quotas are high.

The proposed application of violation points, currently assigned to a permittee not aboard vessel during fishing operations in Section 163.5, to a Department-approved crew member temporarily serving in his or her place aboard the vessel, is not expected to have an adverse economic impact.

The proposed addition of form number is being made for the sake of clarity and will not have an economic impact.

164

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed action is based on regulations that are already in place. The average quota over the history of the herring eggs on kelp fishery in San Francisco Bay (thirteen seasons) is 111.6 tons per season (all individual quotas combined). The proposed quota is significantly less than the long-term average, and thus, in comparison to the long term average, will have a negative economic impact on individual fishermen in the short-term. However, there is no guarantee that the quota will be caught; the herring eggs on kelp season quota has only been reached in three seasons (i.e., 97.4, 99.7 and 100 percent of the quota was harvested in the 1989–90, 1993–94 and 1995–96 seasons, respectively). When compared to last season's catch of 45.3 tons, the proposed 57.6 ton herring eggs on kelp quota (derived from the 3,540 ton quota for San Francisco Bay) would represent a 27-percent increase. The proposed decrease in the San Francisco Bay quota (compared to the 2001–02 season quota) may have a significant, but unquantifiable, negative impact on the buyers of herring eggs on kelp and possibly on some business that provide goods and services to the permittees. In the long-term, there is a balance between seasons when resource abundance and fishing quotas are low and seasons when resource abundance and finishing quotas are high.

The proposed corrections in the citations of sections of the Fish and Game Code or Title 14 are being made for the sake of clarity and will not have an economic impact.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (g) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PROPOSITION 65

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE OF INTENT TO LIST CHEMICALS Extension of Public Comment Period August 9, 2002

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65.

On July 19, 2002, OEHHA published a notice in the *California Regulatory Notice Register* (Register 02, No. 29-Z) announcing its intent to list *strong inorganic acid mists containing sulfuric acid* under Proposition 65 as a chemical known to the state to cause cancer in accordance with the regulatory criteria in Section 12306 of Title 22 of the California Code of

Regulations. The publication of the notice initiated a 30-day public comment period which would have closed on August 19, 2002. OEHHA has received a request from an interested party seeking an extension of the comment period to allow for the submittal of complete and relevant scientific information. OEHHA hereby extends the public comment period for *strong inorganic acid mists containing sulfuric acid* to 5 p.m., **Tuesday, September 3, 2002.**

Written comments provided in triplicate, along with supporting information, may be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5 p.m., Tuesday, September 3, 2002.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF HEALTH SERVICES

July 22, 2002

Dorothy Mattingly
Clinical Laboratory Manager
Alta Bates Summit Medical Center
2450 Ashby Avenue
Berkeley, CA 94905

RE: Autoverification of clinical laboratory test results

Dear Ms. Mattingly:

Thank you for your letter of July 5, 2002, in which you petition the Department of Health Services (Department) to amend title 17 California Code of Regulations, section 1050(h) so that computer-assisted review and release of laboratory test results (autoverification) will be permitted. Such petition is made pursuant to Government Code section 11340.7. I am responding to your petition.

The Department has given consideration to your petition in accordance with Government Code section 11340.7 and agrees that under specific circumstances the use of autoverification instead of individual review

of each test result by a licensed physician and surgeon or a person duly licensed under Chapter 3, Division 2, of the Business and Professions Code (other than a trainee) will still produce accurate and reliable clinical test results. We therefore grant your petition regarding amendment of section 1050(h).

Please note that although this petition has been granted, the repeal or amendment of regulations must be promulgated by the Department through the normal regulatory process, including a public comment period. A copy of this letter will be sent to the Office of Administrative Law for publication in the California Regulatory Notice Registrar, pursuant to Government Code section 11340.7(d).

If you, or any other interested person, would like a copy of the petition or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Cindy Lloyd
Senior Counsel

cc: Office of Administrative Law
555 Capitol Mall, Suite 1290
Sacramento, CA 95814

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION Facilities for Charter Schools

In this regulatory action, the Board of Education implements a provision of Proposition 39, set forth in Education Code section 47614, relating to school districts in the state sharing facilities with charter schools. In general, each school district must make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the

district. The regulations set forth the specific details regarding these arrangements for the sharing of facilities.

Title 5
California Code of Regulations
ADOPT : 11969.1, 11969.2, 11969.3, 11969.4, 11969.5, 11969.6, 11969.7, 11969.8, 11969.9
Filed 07/30/02
Effective 08/29/02
Agency Contact: Pat McGinnis (916) 657-4669

BOARD OF EDUCATION
Educational Interpreter Standards

This regulatory action amends the qualifications of educational interpreters.

Title 5
California Code of Regulations
AMEND : 3051.16, 3065
Filed 07/29/02
Effective 08/28/02
Agency Contact: Pat McGinnis (916) 657-4669

BUREAU OF AUTOMOTIVE REPAIR
BAR-97 EIS Specifications (Adenda 7 and 8)

The proposed regulatory action is the Certificate of Compliance filing making permanent the prior emergency adoption of the December 2001 revisions to the BAR-97 Emissions Inspection System Specifications. The prior emergency file was OAL file number 02-0205-02E.

Title 16
California Code of Regulations
AMEND : 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50 REPEAL : 3340.16.7
Filed 07/26/02
Effective 07/26/02
Agency Contact: James Allen (916) 255-4300

CALIFORNIA HORSE RACING BOARD
Beneficiaries, Welfare Programs and Activities

The regulatory action deals with the beneficiaries, welfare programs and activities of charitable corporations established pursuant to Business and Professions Code section 19641.

Title 4
California Code of Regulations
AMEND : 2050
Filed 07/30/02
Effective 08/29/02
Agency Contact: Harold Coburn (916) 263-6397

CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD
Action Over Local Enforcement Agencies

This action includes a process for the withdrawal of a Local Enforcement Agency (LEA) designation,

identifies grounds for and types of Board actions over LEAs, and specifies a hearing process.

Title 14
California Code of Regulations
ADOPT : 18085, 18086, 18087, 18088 AMEND : 18011, 18056
Filed 07/25/02
Effective 08/24/02
Agency Contact: Steve Levine (916) 341-6064

COURT REPORTERS BOARD OF CALIFORNIA
Minimum Transcript Format Standards

This action clarifies minimum format standards set in 1999 for official court transcripts.

Title 16
California Code of Regulations
AMEND : 2473
Filed 07/31/02
Effective 08/30/02
Agency Contact: Gail S. Jones (916) 263-4690

DEPARTMENT OF ALCOHOL AND DRUG
PROGRAMS
Combined DUI Regulations

The proposed regulatory action modifies provisions governing Driving-Under-the-Influence (DUI) programs.

Title 9
California Code of Regulations
ADOPT : 9851, 9874 AMEND : 9800, 9846, 9852, 9854, 9856, 9858, 9867, 9876, 9884, 9886 REPEAL : 9857
Filed 07/31/02
Effective 08/30/02
Agency Contact: Mary Conway (916) 327-4742

DEPARTMENT OF CHILD SUPPORT SERVICES
Program Administration and complaint Resolution

This Certificate of Compliance adopts regulations concerning program administration and complaint resolution. (Previous OAL file ## 01-0620-03E, 01-12-13-01EE)

Title 22, MPP
California Code of Regulations
ADOPT : 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436,, 110445, 110456, 110474, 110478,
Filed 07/24/02
Effective 07/24/02
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CORRECTIONS**Recreation & Physical Education Programming**

This rulemaking revises provisions governing inmate recreation and physical education programs.

Title 15

California Code of Regulations

ADOPT : 3220.2, 3220.3 AMEND : 3220, 3220.1

Filed 07/24/02

Effective 08/23/02

Agency Contact: Rick Grenz (916) 324-4331

DEPARTMENT OF FOOD AND AGRICULTURE**Oriental Fruit Fly Interior Quarantine**

This Certificate of Compliance eliminates the quarantine for the Oriental fruit fly in San Diego County.

Title 3

California Code of Regulations

AMEND : 3423(b)

Filed 07/25/02

Effective 07/25/02

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INDUSTRIAL RELATIONS**Electrician Certification**

This rulemaking action implements AB 931 (Chapter 781, Statutes of 1999, amended 2000) which requires the Division to “. . . establish and validate minimum standards for the competency and training of electricians through a system of testing and certification” as well as establish fees and adopt regulations. Labor Code section 3099 also defines which electricians may be covered by this voluntary certification. A later bill, AB 1087, effective January 1, 2003, will require certain electricians to be certified in order to work as of January 2005.

Title 8

California Code of Regulations

ADOPT : 290.0, 290.1, 291.0, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 294.0, 295.0

Filed 07/30/02

Effective 08/29/02

Agency Contact: Bryan Goyette (415) 355-5475

DEPARTMENT OF MOTOR VEHICLES**Administrative Fees for Returned Checks**

This action increases the fees for personal checks returned as dishonored from the financial institution to \$30, to cover most of the agency's costs.

Title 13

California Code of Regulations

AMEND : 422.01

Filed 07/25/02

Effective 08/24/02

Agency Contact:

Bonnie DeWatney (916) 657-8954

DEPARTMENT OF SOCIAL SERVICES**Electronic Benefit Transfer (EPT) Benefit Adjustments**

This emergency action establishes time limits and procedures for processing requests for adjustments to electronic transfer of food stamp and cash assistance benefits, and for requesting a hearing concerning such adjustments.

Title MPP

California Code of Regulations

ADOPT : 16-702

Filed 07/24/02

Effective 07/24/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES**California Food Assistance Program**

This Certificate of Compliance repeals the September 30, 2001 sunset date for eligibility to the California Food Assistance Program (CFAP) for certain legal noncitizens that entered the United States on or after August 22, 1996.

Title MPP

California Code of Regulations

AMEND : 63-402

Filed 07/26/02

Effective 07/26/02

Agency Contact:

Anthony J. Velasquez (916) 657-2586

FAIR POLITICAL PRACTICES COMMISSION**Advertising Disclosure**

The Fair Political Practices Commission is adopting section 18450.1 of title 2 of the California Code of Regulations, pertaining to Proposition 34—advertisement disclosure.

Title 2

California Code of Regulations

ADOPT : 18450.1

Filed 07/31/02

Effective 07/31/02

Agency Contact: Robert Tribe (916) 322-5660

FISH AND GAME COMMISSION**White Seabass Fishery Management Plan**

This regulatory action adds a new Chapter 5.5 entitled Fishery Management Plans to title 14. Article 1 of Chapter 5.5 is composed of regulations that apply to fishery management plans in general while Article 2 contains regulations specifically applying to the White Seabass Fishery Management Plan (WSFMP).

Title 14

California Code of Regulations

ADOPT : 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10

AMEND : 109

Filed 07/31/02
Effective 08/30/02
Agency Contact: John M. Duffy (916) 653-4899

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Oxygen or Fuel-Gas Operator Training and
Instructions

This regulatory action requires that employees in charge of oxygen or fuel-gas supply equipment shall be trained in accordance with Section 3203 of the General Industry Safety Orders.

Title 8
California Code of Regulations
AMEND : 4799
Filed 07/31/02
Effective 08/30/02
Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF SPILL PREVENTION AND
RESPONSE**

Financial Responsibility

The Office of Spill Prevention and Response is amending section 791.7 of title 14, California Code of Regulations, due to the fact that three forms which have previously been incorporated by reference have been revised. These forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972, respectively, are entitled "Application for Certificate of Financial Responsibility for Operators or Owners of Tank Vessels (application)," "Application for Certificate of Financial Responsibility for Operators or Owners of Nontank Vessels (application)," and "Application for Certificate of Financial Responsibility for Owners of Oil (application)." The primary change which took place in all three of the aforementioned applications was the reference to Government Code section 8670.56.5(g) which was changed to 8670.56.5(h), necessitated by amendments made by Stats. 2001, Ch. 748.

Title 14
California Code of Regulations
AMEND : 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.
Filed 07/25/02
Effective 08/24/02
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

**PHYSICIAN ASSISTANT COMMITTEE
Disciplinary Guidelines**

This action will incorporate by reference the second edition of the Physician Assistant Committee's disciplinary guidelines. The amendments to the disciplinary guidelines modify the causes for discipline and license restrictions, the penalties, and the conditions of discipline.

Title 16
California Code of Regulations
AMEND : 1399.523
Filed 07/30/02
Effective 08/29/02
Agency Contact:
Glenn L. Mitchell (916) 263-2670 ext. 203

**SCHOLARSHARE INVESTMENT BOARD
Golden State Scholarshare Trust Program**

This emergency regulatory action amends the Golden State Scholarshare College Savings Program to conform to recent changes in the Internal Revenue Code. (Previous OAL file #01-1211-03E)

Title 5
California Code of Regulations
AMEND : 30950, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959
Filed 07/31/02
Effective 07/31/02
Agency Contact:
Senita Robinson (916) 651-6381

**STATE LANDS COMMISSION
Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
AMEND : 2970
Filed 07/25/02
Effective 08/24/02
Agency Contact: Lisa Lloyd (916) 574-1883

**STATE WATER RESOURCES CONTROL BOARD
Revision of Water Quality Enforcement Policy**

The proposed regulatory action adopts the February 19, 2002 revision of the Water Quality Enforcement Policy.

Title 23
California Code of Regulations
AMEND : 2910
Filed 07/30/02
Effective 08/29/02
Agency Contact: Karen O'Haire (916) 341-5179

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MARCH 27, 2002
TO JULY 31, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the

Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

07/31/02 ADOPT: 18450.1
 07/25/02 AMEND: 2970
 07/11/02 AMEND: 18707.4
 07/11/02 AMEND: 554.6
 07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220
 06/27/02 ADOPT: 2351
 06/27/02 ADOPT: 18450.3, 18450.4, 18450.5 AMEND: 18402
 06/25/02 AMEND: 1189.10
 06/20/02 AMEND: 561.2, 561.3
 06/20/02 REPEAL: 548.96
 06/17/02 AMEND: 18239, 18615, 18616
 06/06/02 ADOPT: 18572
 05/28/02 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370
 05/22/02 AMEND: 571(a)(5)
 05/13/02 AMEND: 18428
 05/10/02 AMEND: 18351
 05/09/02 AMEND: 20202, 20206, 20210, 20224, 20234, 20298, 20350, 20363, 20910 REPEAL: 20106, 20205, 20213
 05/02/02 ADOPT: 1859.104.1, 1859.104.2, 1859.104.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.51, 1859.61, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.91, 1859.95, 1859.100, 1859.101, 1859.102,
 04/26/02 ADOPT: 18520 AMEND: 18521, 18523, 18523.1
 04/19/02 ADOPT: 18537.1
 04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.41, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.74.4, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.

04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10

03/27/02 ADOPT: 59100

Title 3

07/25/02 AMEND: 3423(b)
 07/23/02 ADOPT: 7015
 07/18/02 AMEND: 6000, 6710
 07/11/02 AMEND: 3700(b)
 07/03/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1
 07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND: 300(c)
 06/20/02 REPEAL: 3431, 3591.17
 06/13/02 AMEND: 2303(t)
 06/13/02 ADOPT: 1366
 06/11/02 AMEND: 3425(b)
 06/10/02 AMEND: 3406(b)
 06/10/02 AMEND: 6391, 6393, 6394, 6395
 06/04/02 AMEND: 3591.16(a)
 05/29/02 AMEND: 1380.19, 1436.38, 1446.7, 1454.14, 1462.15
 05/16/02 AMEND: 1428.12, 1428.16
 05/02/02 AMEND: 3700(a), (b), & (c)
 04/23/02 AMEND: 3591.12(a)
 04/23/02 ADOPT: 899.2 AMEND: 899.1
 04/18/02 AMEND: 6510, 6793
 04/12/02 AMEND: 3423(b)
 04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668, 3669
 04/08/02 AMEND: 6450.2, 6450.3, 6784
 04/04/02 AMEND: 3033.2, 3033.3, 3033.4
 04/02/02 ADOPT: 480.9 AMEND: 480.7

Title 4

07/30/02 AMEND: 2050
 07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106, 12108, 12110, 12120, 12130
 05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125
 05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009, 3010 AMEND: 1928
 04/16/02 AMEND: 1405, 1527

Title 5

07/31/02 AMEND: 30950, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3, 11969.4, 11969.5, 11969.6, 11969.7, 11969.8, 11969.9
 07/29/02 AMEND: 3051.16, 3065
 07/15/02 AMEND: 80105, 80109, 80110, 80111, 80112, 80113, 80114, and 80115
 06/28/02 ADOPT: 11983.5
 06/11/02 AMEND: 11530, 11531

06/05/02 AMEND: 59311,59328, 59342
 05/21/02 AMEND: 80026.4, 80026.6, 80122
 05/20/02 ADOPT: 55205, 55207, 55209, 55211,
 55213, 55215, 55217, 55219 AMEND:
 55316.5, 58003.1, 58003.3, 58007,
 58009, 58051, 58056 REPEAL: 55317,
 55352, 55370, 55372, 55374, 55376,
 55378, 55380
 05/08/02 ADOPT: 80434 AMEND: 80001
 05/03/02 ADOPT: 54045.5, 58003.6

Title 7

04/04/02 ADOPT: 237

Title 8

07/31/02 AMEND: 4799
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
 291.2, 291.3, 291.4, 291.5, 292.0, 293.0,
 294.0, 295.0
 07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406,
 411.1,415,417.3 REPEAL: 411.2, 411.3,
 411.4
 06/20/02 AMEND: 3700, 3702
 06/18/02 AMEND: 5189
 06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
 06/03/02 AMEND: 4885
 06/03/02 AMEND: 5034(f)
 05/28/02 AMEND: 3650, 3664
 05/20/02 AMEND: 32125, 32130, 32140, 32603,
 32604, 32720, 32735, 32738, 32739,
 32744, 32752, 32763, 32980
 05/07/02 ADOPT: 11080, 11090, 11100, 11110,
 11120, 11130, 11150 REPEAL: 11080,
 11090, 11100, 11130, 11130, 11150
 05/06/02 AMEND: 3089
 05/02/02 AMEND: 100, 106, 107
 05/01/02 ADOPT: 11140 AMEND: 11140
 05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
 1671, 1709, 1710
 04/22/02 AMEND: 2320.2 of the Low voltage
 Electrical safety orders
 04/03/02 AMEND: 1626
 03/28/02 ADOPT: 341.15

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1and 3122.0

Title 9

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
 9846, 9852, 9854, 9856, 9858, 9867,
 9876, 9884, 9886 REPEAL: 9857
 06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
 9505, 9515, 9530, 9535

Title 10

07/10/02 ADOPT: 1422, 1423
 07/02/02 AMEND: 6070
 06/24/02 ADOPT: 2698.68

06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
 AMEND: 2790.1, 2791.8, 2792, 2800,
 2810, 2811, 2910, 2911, 2912, 2930
 06/20/02 AMEND: 2498.6
 06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
 06/07/02 AMEND: 5.2001 and Appendix
 06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
 01-1219-06 E
 06/03/02 ADOPT: 2187.3 AMEND: 2186.1,
 2187.1, 2187.2
 06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
 2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
 2192.10, 2192.11, 2192.12, 2192.13
 05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
 2278.4, 2278.5
 04/29/02 ADOPT: 1729, 1741.5, 1950.302
 AMEND: 1741.5
 04/29/02 ADOPT: 2699.6606, 2699.6711,
 2699.6631, 2699.6631, 2699.6717
 AMEND: 2699.6500, 2699.6600,
 2699.6605, 2699.6607, 2699.6611,
 2699.6613, 2699.6617, 2699.6623,
 2699.6625, 2699.6629, 2699.6700,
 2699.6703, 2699.6705, 2699.6709,
 2699.6800, 2699.6801, 2699.6809
 04/16/02 AMEND: 2698.73
 03/27/02 ADOPT: 260.204.9

Title 11

07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,
 419, 419.1, 419.2, 419.3, 420, 421, 422,
 423, 424, 425, 426 REPEAL: 410, 411,
 415, 416, 417, 418, 419, 420, 421, 422,
 423, 424, 425, 426
 07/01/02 AMEND: 1081
 06/27/02 AMEND: 987.1
 06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
 999.14, Appendix A
 05/24/02 AMEND: 1005
 05/21/02 AMEND: 1005
 05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
 441, 442, 443, 444, 445, 446, 447, 448,
 449, 450, 451, 452, 453, 454, 455, 456,
 457, 458, 459, 460, 461, 462, 463, 464,
 465, 466, 467, 468, 469, 470, 471, 472,
 473, 474, 475, 476, 477, 478, 479, 480,
 481, 482, 483, 48
 04/26/02 AMEND: 1005, 1008
 04/25/02 ADOPT: 1081(a)(32)
 04/23/02 AMEND: 3000. 3001, 3003, 3007, 3008
 04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
 906, 907, 908, 911
 04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
 999.14 and Appendix A

Title 13

07/25/02 AMEND: 422.01
 07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446
 07/10/02 AMEND: 1213.1, 1230, 1239
 07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72
 06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962
 06/24/02 AMEND: 1270
 06/18/02 AMEND: 1
 06/03/02 AMEND: 565
 05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 & the Incorporated Test Procedure
 04/29/02 AMEND: 350.44
 04/04/02 ADOPT: 565

Title 14

07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10 AMEND: 109
 07/25/02 AMEND: 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.
 07/25/02 ADOPT: 18085, 18086, 18087, 18088 AMEND: 18011, 18056
 07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850
 07/15/02 ADOPT: 916.13, 936.13, 956.13, 916.13.1, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956.13.7, 916.13.8, 936
 07/12/02 AMEND: 895.1, 898, 914.8, 934.8, 954.8, 916, 936, 956, 916.2, 936.2, 956.2, 916.9, 936.9, 956.9, 916.11, 936.11, 956.11, 916.12, 936.12, 956.12, 923.3, 943.3, 963.3, 923.9, 943.9, 963.9
 06/28/02 ADOPT: 708 AMEND: 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 555, 601, 711 REPEAL: 370, 371, 372, 373
 06/27/02 ADOPT: 4971
 06/25/02 AMEND: 7.50
 06/24/02 AMEND: 791, 791.5, 791.7, 792, 793, 794, 795, 796, and 797.
 06/20/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
 06/19/02 AMEND: 2135
 06/19/02 AMEND: 2030

06/18/02 AMEND: 11900
 06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5
 06/06/02 ADOPT: 749.1
 06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171, 6179, 6184, 6185, 6200, 6206, 6222, 6243, 6254, 6255, 6262
 05/30/02 AMEND: 1104.1
 05/23/02 ADOPT: 52.10
 05/22/02 AMEND: 1037.4, 1092.19
 05/21/02 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
 05/20/02 AMEND: 149
 04/29/02 AMEND: 27.80
 04/11/02 ADOPT: 104.1
 04/10/02 AMEND: 27.67
 04/10/02 AMEND: 17943(b)(26)
 04/04/02 AMEND: 670.2

Title 14, 27

06/21/02 AMEND: 18104.8, 18105.9, 18105.10, 21140

Title 15

07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1
 07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458, 3459, 3460, 3462, 3463, 3464
 05/08/02 ADOPT: 4746.5
 05/06/02 AMEND: 3104
 04/17/02 AMEND: 3276

Title 16

07/31/02 AMEND: 2473
 07/30/02 AMEND: 1399.523
 07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50 REPEAL: 3340.16.7
 07/17/02 AMEND: 1387.1
 07/03/02 AMEND: 3394.4 and 3394.6
 07/01/02 ADOPT: 638, 639, 640, 641
 06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50
 06/03/02 AMEND: 2034, 2036
 05/29/02 ADOPT: 980.1 AMEND: 974
 05/28/02 AMEND: 3340.42
 05/24/02 ADOPT: 832.06 AMEND: 832.05
 05/21/02 ADOPT: 1356.5
 05/21/02 AMEND: 2006
 05/21/02 ADOPT: 2412 AMEND: 2411, 2418
 05/16/02 AMEND: 832.54
 05/08/02 AMEND: 832.09
 05/02/02 AMEND: 3303, 3353, 3361.1
 04/09/02 AMEND: 2010.1, 2024, 2025
 04/02/02 AMEND: 2068.5
 03/29/02 REPEAL: 1044.4
 03/29/02 AMEND: 2620.5, 2649, 2671

Title 17

07/22/02 ADOPT: 93105
 07/17/02 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626
 06/28/02 AMEND: 6508
 06/10/02 AMEND: 90700, 90701, 90702, 90703, 90704, 90705 & to the tables in Section 90705
 05/16/02 AMEND: 6508
 05/02/02 ADOPT: 2641.5, 2641.10, 2641.15, 2641.20, 2641.25, 2641.30, 2641.35, 2641.45, 2641.50, 2641.55, 2641.60, 2641.65, 2641.70, 2641.75, 2641.77, 2641.80, 2641.85, 2641.90, 2643.5, 2643.10, 2643.15, 2643.20.
 04/22/02 AMEND: 70500, 70600
 04/11/02 AMEND: 58420
 04/10/02 ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 56002, 56026, 56093, 58651
 03/27/02 AMEND: 57310, 57332, 57530

Title 18

07/02/02 ADOPT: 1533.2
 06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435, 1436 AMEND: 1101, 1105, 1120, 1132, 1134, 1420, 1422, 1430 REPEAL: 1103, 1104, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1131, 1133, 1151, 1152, 1153, 1154, 1155, 1171, 1172, 1173, 1174, 1175, 1176
 06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26
 06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262
 06/07/02 AMEND: 1533.1
 06/07/02 ADOPT: 1533
 06/07/02 ADOPT: 1525.7
 06/06/02 ADOPT: 1507
 06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.
 06/04/02 AMEND: 135
 05/29/02 AMEND: 23101.5
 05/20/02 ADOPT: 138
 05/16/02 ADOPT: 139
 05/15/02 AMEND: 1699
 05/14/02 AMEND: 905
 05/14/02 AMEND: 1603
 05/13/02 ADOPT: 4011 AMEND: 4061
 05/13/02 ADOPT: 1434
 04/17/02 ADOPT: 305.3
 04/16/02 AMEND: 1525.2
 04/16/02 AMEND: 1532
 04/16/02 AMEND: 1668
 04/03/02 ADOPT: 138

04/03/02 AMEND: 25110
 04/02/02 AMEND: 25114
 04/02/02 AMEND: 25111-1

Title 19

05/22/02 ADOPT: 2000
 05/16/02 REPEAL: 596.15 & 596.16 & Article 12 thru Article 23
 04/02/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2

Title 20

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 06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
 06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178
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07/23/02 ADOPT: 87227.1, 87583.1 AMEND:
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87118(a), 87222(a), 87561(a)(1)(A),
87585(a), 87587, 87700, 87702,
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06/26/02 ADOPT: 89202, 89261, 89319, 89323,
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04/08/02 ADOPT: 85081, 87593 AMEND: 85001,
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